



JUN 11 10 51 AM '91

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
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WELLESLEY, MA 02181WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCKZBA 91-29
Petition of David and Josephine McMahon
15 Squirrel Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 1991 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID AND JOSEPHINE McCANHON requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a garage approximately 24.5 feet square and a mudroom approximately 24 feet by 12 feet connecting the garage to their nonconforming dwelling at 15 SQUIRREL ROAD, in a Single Residence District, with less than the required front setback. Said garage and mudroom would also have less than the required front setback.

On May 6, 1991, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David McCahon, who was accompanied by the project architect, Jeanine Wong. Mr. McCahon said that the existing garage is located on a lot across the street. If the proposed garage were set back 30 feet, it would have to be constructed on stilts due to the drop behind the house. The 18 foot setback would line the garage up with the house, and would provide a greater front setback than that of many other garages on both sides of the street. The Board noted that the topography of the street was the reason for the location of the nonconforming garages.

The Board expressed concern with the size of the mudroom, particularly in light of possible future requests for expansion above the proposed structure. Mr. McCahon said that the mudroom was to include storage closets and provide a front entry for the house, but that he could reduce its size. He felt that although the house does not conform to zoning, it would conform to other houses on the street.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 15 Squirrel Road, in a Single Residence District, on a 9,308 square foot lot, with a minimum front yard setback of 17.67 feet. Due to the topography of the lot, the front entrance is at ground level, while the rear entrance is at basement level.

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The petitioners are requesting a variance to construct a garage approximately 24.5 feet square and a mudroom approximately 12 feet by 24 feet which would connect the garage to the existing dwelling. The mudroom would have a minimum front setback of 23.74 feet and the garage would have a minimum front setback of 18 feet. The existing garage is located on a separate lot across the street from the petitioners' dwelling.

A Plot Plan dated May 1, 1991, drawn by Ernest H. Fagerstrom, Registered Land Surveyor; a floor plan and front elevation; and photographs were submitted.

On May 16, 1991, the Planning Board reviewed the petition and voted to recommend that the variance request be denied.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the size of the proposed mudroom and garage would be a substantial intrusion on the nonconforming portion of the lot. However, this Authority is cognizant of the hardship created by the topography of the lot, and that the proposed mudroom/garage addition does not alter the relationship of the house to the front property line.

It is the opinion of this Authority that because of the shape of the lot, the location of the house on the lot, and the topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to the following conditions:

1. The size of the proposed mudroom shall be no greater than 12 feet square, and shall be located no closer than 23.74 feet from the front property line.
2. The size of the garage shall be no larger than 24.5 feet square and shall be located no closer than 18 feet from the front property line.
3. A new plot plan depicting the new dimensions of the mudroom, the revised location of the garage and the relevant front setbacks shall be submitted to the office of the Zoning Board of Appeals prior to the issuance of a Building Permit.

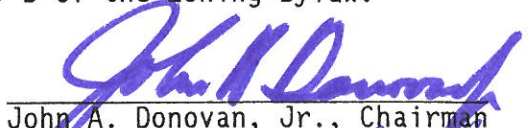
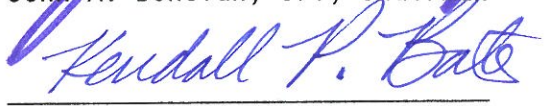
Following the completion of the above conditions, the Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman

Kendall P. Bates


Robert R. Cunningham

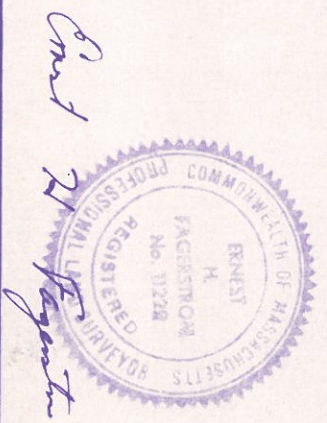
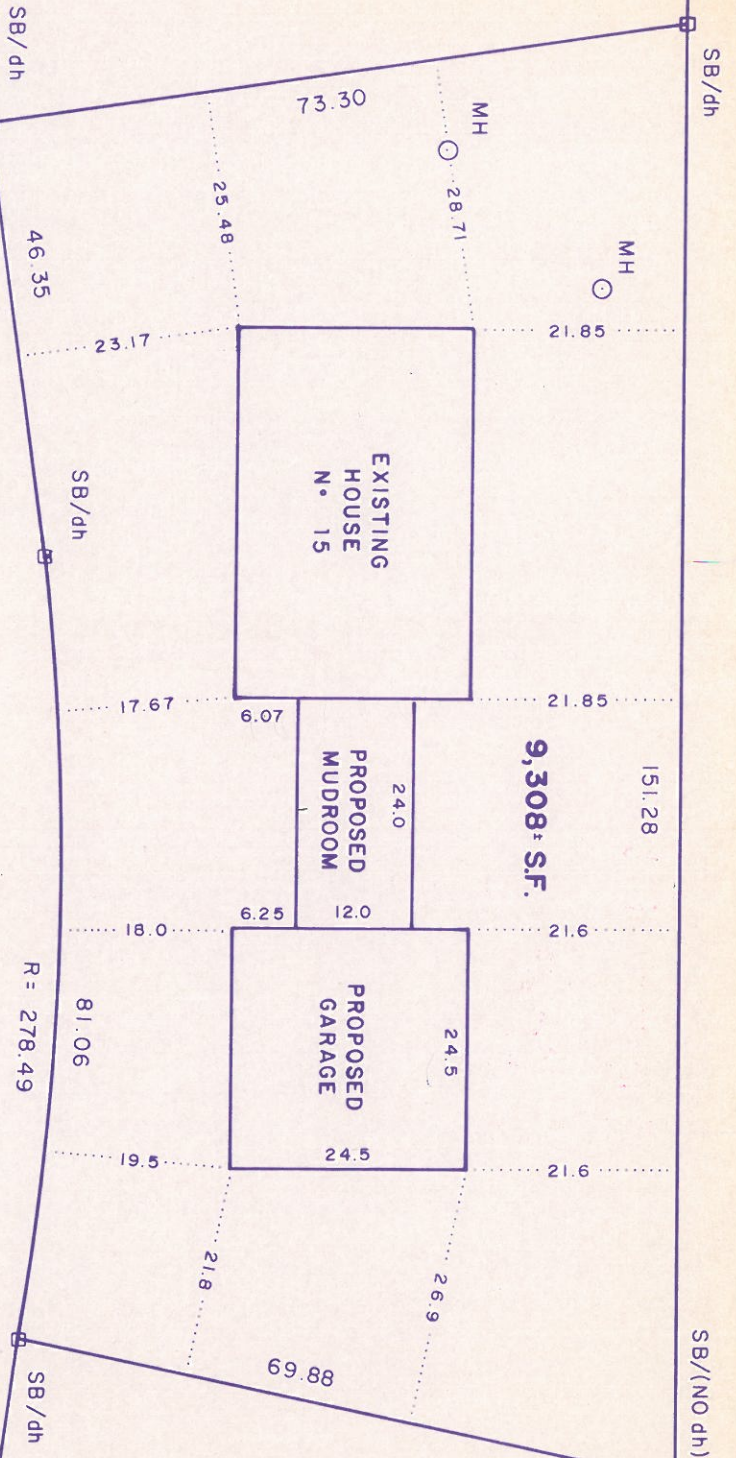
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May 6 9 47 AM '91

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SQUIRREL

ROAD



WELLESLEY, MA.

PROPOSED ADDITION

SCALE: 1" = 20' . MAY 1, 1991

ERNEST H. FAGERSTROM
REGISTERED LAND SURVEYOR
138 NORWELL AVENUE
NORWELL, MASS. 02061